

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NML CAPITAL, LTD., : 03 Civ. 8845 (TPG)
: 05 Civ. 2434 (TPG)
: 06 Civ. 6466 (TPG)
Plaintiff, : 07 Civ. 1910 (TPG)
: 07 Civ. 2690 (TPG)
: 07 Civ. 6563 (TPG)
v. : 08 Civ. 2541 (TPG)
: 08 Civ. 3302 (TPG)
: 08 Civ. 6978 (TPG)
THE REPUBLIC OF ARGENTINA, : 09 Civ. 1707 (TPG)
: 09 Civ. 1708 (TPG)
Defendant. :
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EM LTD., :
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Plaintiff, :
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: 03 Civ. 2507 (TPG)
v. :
: **ORAL ARGUMENT**
: **REQUESTED**
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Defendant. :
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**NOTICE OF MOTION PURSUANT TO RULE 45 TO QUASH
THE SUBPOENA SERVED ON NONPARTY JAIME CARUANA**

PLEASE TAKE NOTICE that, pursuant to Rule 45 of the Federal Rules of Civil Procedure, the undersigned, attorneys for nonparties Jaime Caruana and the Bank for International Settlements (the “BIS”), will move before the Honorable Thomas P. Griesa, United States District Judge for the Southern District of New York, 500 Pearl Street, New York, N.Y., at a date and time to be determined by this Court, for an order quashing a subpoena in a civil case issued by counsel for plaintiffs NML Capital, Ltd., and EM Ltd.,

and served on Mr. Caruana on October 7, 2010. In support of this motion, Mr. Caruana and, to the extent necessary, the BIS, shall rely upon the accompanying Memorandum of Law in Support of the Motion to Quash; the Declarations of Jaime Caruana, Hermann Greve, and Prof. Dr. Ramon Mabillard, and all attached exhibits; and all other papers submitted in this action.

Pursuant to Rule 45(c)(1), Mr. Caruana and the BIS also request attorney's fees and costs in connection with the filing of this motion.

Dated: New York, New York
October 21, 2010

DAVIS POLK & WARDWELL LLP

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